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GAMBLING COMMISSION  
COMM & LEGAL DEPTSTATE OF WASHINGTON  
GAMBLING COMMISSIONGAMBLING COMMISSION  
COMM & LEGAL DIVISIONIn the Matter of the Suspension of the Licenses  
to Conduct Gambling Activities of:

NO. No. CR 2011-01111

Chaplin & Friends Bar & Grill,  
d/b/a Ace's Card Room  
Spokane, Washington,**SETTLEMENT ORDER**

Licensee.

This Settlement Order is entered into between the Washington State Gambling Commission and Chaplin & Friends Bar & Grill, d/b/a Ace's Card Room. Stephanie Happold, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Commission. Fausto Presutti, owner, represents the licensee.

## I.

The Washington State Gambling Commission issued Chaplin & Friends Bar & Grill, d/b/a Ace's Card Room (Aces), organization number 00-16799, the following licenses:

Number 67-00033, Authorizing Class "10" House-Banked Card Room Activity; and  
Number 05-09215, Authorizing Class "A" Punchboard/Pull-Tab Activity.

The licenses expire on June 30, 2012, and were issued subject to the licensee's compliance with state gambling laws and regulations.

## II.

In the above-entitled case, the Gambling Commission issued a Notice of Administrative Charges and Opportunity for an Adjudicative Hearing on October 11, 2011, seeking the suspension of Ace's licenses to conduct gambling activities. On October 20, 2011, Commission staff received the licensee's request for a hearing.

The following facts and violations were alleged in the Notices of Administrative Charges:

- 1) On September 24, 2011, the licensee allowed two persons under the age of eighteen (minors) to gamble in its card room, violating WAC 230-06-010.
- 2) The licensee failed to ensure that employees followed applicable rules and laws when the minors were allowed to enter the card room, and a pit<sup>1</sup> supervisor on duty allowed the minors to play blackjack at Ace's Casino.

<sup>1</sup> The pit is the area located behind the house-banked card games where the dealers, floor supervisors, and shift managers are present. Typically, the house-banked tables are aligned to form an enclosed circle and the pit is in the middle of the circle.

3) The licensee was previously issued a NOVAS<sup>2</sup> on February 4, 2011, for allowing a minor to gamble.

On May 31, 2011, the licensee submitted to Commission staff a comprehensive rewrite of the internal controls (IC) manual governing gambling activities at Ace's, which was subsequently approved. Incorporated within the Security section of the revised IC manual is a document entitled "Underage Gambling," which specifically addresses how Ace's employees must ensure no underage gambling occurred on the premises.

Grounds exist to suspend Ace's Casino's licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

**RCW 9.46.075 Denying, Suspending or revoking a license or permit**

The Commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the licensee, or any person with any interest therein:

(The following subsection applies.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

**WAC 230-03-085 Denying, Suspending or revoking a license or permit**

We may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

**WAC 230-06-010 Age restriction for players**

No person must allow anyone under the age of eighteen to participate in gambling activities except:

(1) To play in licensed bingo games when accompanied by an adult member of his or her

immediate family or a guardian, who is at least eighteen years old; or

(2) To play bingo at agricultural fairs or school carnivals; or

(3) To play amusement games; or

(4) To sell raffle tickets for a charitable or nonprofit organization.

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<sup>2</sup> NOVAS –A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

### III.

The licensee acknowledges that it received the Notice of Administrative Charges issued in this case, and understands the facts and violations contained in it. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

The licensee agrees to the following terms:

1) Ace's Card Room's gambling licenses are hereby suspended for a period of **five (5) days**, provided that:

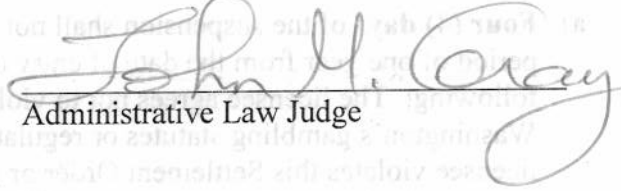
- a) **Four (4) days** of the suspension shall not be currently served, but shall be deferred for a period of one year from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate the terms of this Settlement Order, or any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates this Settlement Order or gambling statutes or regulations, and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the four-day deferred suspension of the current gambling licenses and any subsequently acquired gambling licenses.
- b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this agreement has occurred, he may suspend the license(s) issued to the licensee for up to four days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. In addition to the consequences of the new violation, the deferred sentence shall also be served. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
- c) **The licensee has chosen to serve the remaining one (1) day of this suspension.**
  - **The suspension will be served on Monday, December 19, 2011.**
  - No gambling activities shall take place at the licensed premises starting at 8:00 a.m. on Monday, December 19, 2011.
  - The licensee may resume its gambling activities at 8:00 a.m. on Tuesday, December 20, 2011.
- d) **The signed order must be received by Commission staff on or before Friday, December 9, 2011, and mailed to Commission Headquarters at the following address:**

Washington State Gambling Commission  
Attention: Communications and Legal Division – Fines  
P.O. Box 42400  
Olympia, WA 98504-2400

or **delivered** (in person or via private courier) to the following address:

Washington State Gambling Commission  
4565 7<sup>th</sup> Avenue SE; Fourth Floor  
Attention: Communications and Legal Division – Fines  
Lacey, WA 98503

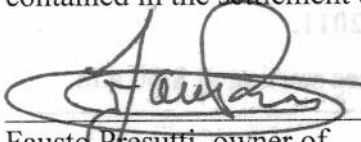
DATED this 14<sup>th</sup> day of December, 2011.

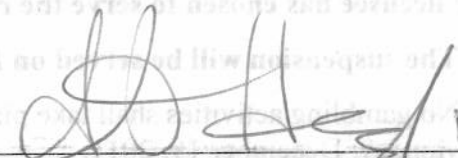
  
Administrative Law Judge


APPROVED FOR ENTRY:

APPROVED AS TO FORM:

By the signature below, the licensee  
understands the terms and conditions  
contained in the settlement order.

 12/3/11  
Fausto Presutti, owner of  
Chaplin & Friends Bar & Grill,  
d/b/a Ace's Casino (Date)

 12/8/11  
Stephanie Happold, WSBA #38112  
Assistant Attorney General,  
Representing the Washington  
State Gambling Commission

  
Melinda Froud, WSBA #26792  
Lead Staff Attorney,  
Washington State Gambling Commission